



EPA OGC FOIA Expert Assistance Team Office (FEAT Office)



Overview of Today's Discussion

- FOIA Expert Assistance Team Background
- The FEAT Process
- Case Management
- Success Stories
- Challenges
- Lessons Learned – Keys to Success



But Wait – FOIA: Isn't this what GLO/ILPG Does?

- ILPG and FEAT both provide legal counseling on FOIAs
 - FEAT: Small percentage of incoming FOIAs (< 5%)
 - ILPG: The other 95%
- ILPG each have other distinct responsibilities



Background

- EPA receives approximately 11,000 FOIAs annually
- EPA employs a distributed response model
- Issues with this approach:
 - Consistency in redactions
 - Wide variations in FOIA expertise
 - Accountability
 - Timeliness



Solution: A FEAT

- Strategically centralized solution:
 - Formation of a FOIA Expert Assistance Team (FEAT)
 - Team consults and assists lead office for most complex/voluminous requests
- Complements existing program/policy and procedures:
 - Continues with Lead Office model
 - Retains role of FOIA Coordinator



FEAT Office Composition

- Director – SES Level Position
- 5 GS11 – GS15 Staff
 - 4 Attorneys
 - 1 Government Information Specialist (e-Discovery expert)
- Key competencies for FEAT staff members
 - External awareness/organizational awareness
 - Customer/client focus
 - Excellent written and oral communication skills
 - Thorough knowledge of FOIA



Process Overview

- Designating a FEAT FOIA
- Communication and relationship-building with requester(s)
- Managing cradle-to-grave document review
- Case management – SharePoint to manage and track progress



Designating a “FEAT FOIA”

- FEAT Director and lead office Senior Manager agree when a FOIA/issue would benefit from FEAT engagement
- FEAT staff serve as case managers for “FEAT FOIAs”



Contact Requester(s)

- FEAT and lead program staff review request(s)
- Together they contact requester(s) to clarify/narrow/discuss request(s)
- Build working relationship with requester(s)



Prepare for Document Review

- Work together with Lead Office to identify universe of custodians/define search terms
- Work with IT staff on document collection/tailor review platform (Relativity) for case needs
- Work with Lead Office to identify first level review team
- Develop coding memo for document review team



Sample Coding Memo: Excerpt

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Conduct 1st Level Document Review Kick-Off

- 3-4 day session bringing together entire first level review team
- FOIA primer /Relativity primer
- Facts of case
- FOIA request(s)
- Commence document review

Sample Agenda: 1st Level Document Review Kick-Off

Day 1

9:00-9:30am - Background on Flint Crisis and Document Management

9:30-10:30am FOIA Overview

- Background
- Basic FOIA procedures

10:45-11:30am - FOIA overview

- Quick overview of all exemptions
- Exemption 5
- Exemption 6 and 7c

12:30-1:00pm-FOIA overview cont'd/questions

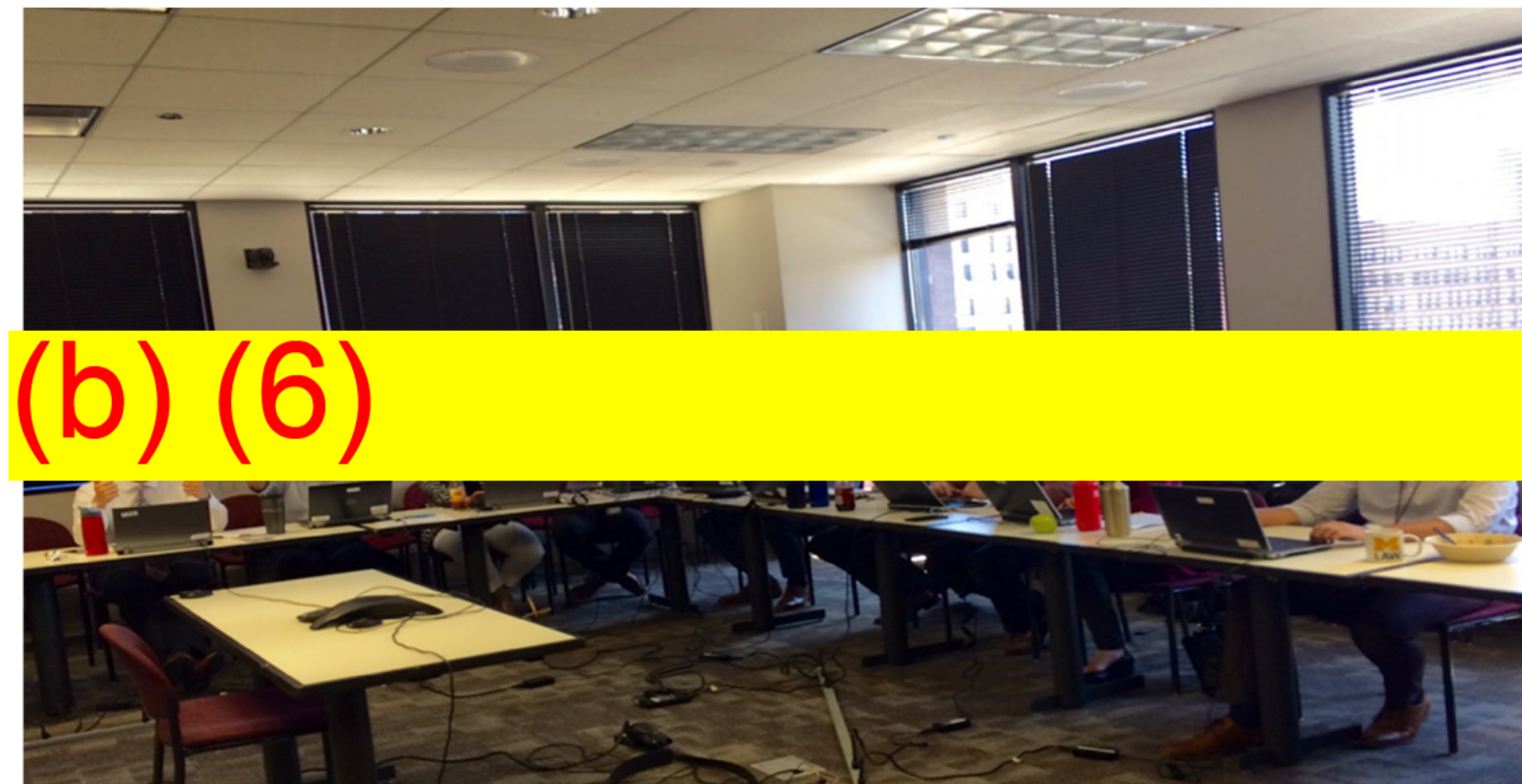
1:00-1:30pm Relativity Training

1:30-end of day Document Review (4pm? 4:30? 5pm?)





FOIA Can be FUN?!!





Communication and Encouragement: Example

Team:

GREAT JOB!! You exceeded my expectations and we completed review of **3579** documents today!!
Amazing!

We are now over halfway done with the first level review for ALL the outlook e-mail documents required to respond to all of our outstanding Flint FOIA requests (4587/ 8369).

Your work is important to make sure that we meet our litigation deadlines and produce the records to the public.

Plus, you're a great team to work with. You're asking good questions, staying positive, having fun, and doing an excellent job.



Complete Document Review

- Continued oversight of first level document review
- Continued contact with requester(s)
- Coordination of second level/management document review
- QA of document review



Produce Documents

- Coordination with press and Congressional affairs offices
- Awareness review for Senior Executives
- Oversight of document production/posting to FOIAonline
- Close-out request(s)



FEAT Case Management: A Look under the Hood

How do we keep track of everything?!



FEAT SharePoint Site



[FEAT: FOIA Expert Assistance Team](#)

[Relativity](#)

[eDiscovery Request](#)

[FOIA Improvement Act of 2016](#)

[DOJ Guide to the FOIA](#)

[Regi...](#)

FEAT: FOIA Expert Assistance Team - Home ⓘ

FEAT: FOIA Expert Assistance Team

[The Team](#)

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FEAT Mission

- Coordinate the Agency's most complex, high-profile FOIA requests.
- Provide a strong customer service focus.

FEAT Cases

Status

FOIA Topic

Attorney Manager

SharePoint Workspace

Active

[Bay Delta](#)

Denise Walker



Hyperlinks to FOIA Case Management Workspaces

FEAT Cases

Status	FOIA Topic	Attorney Manager	SharePoint Workspace
Active	Bay Delta	Denise Walker	
Active	Biomass	Denise Walker	
Active	Clean Power Plan	TBD	
Active	Clean Water Act Stormwater Rule	Denise Walker	
Active	Election Transition'16	Becky Dolph	
Active	Flint Michigan Drinking Water	Denise Walker	Flint
Active	Gold King Mine Spill	Peter Bermes	Intra-Agency Consultations
Active	Hydraulic Fracturing/Fracking	TBD	
Active	Pebble Mine, Bristol Bay	Denise Walker	
Active	PFOA	Denise Walker	PFOA Congressional Inquiry and FOIA Request Status Tracker
Active	Portland Harbor Superfund Site	Peter Bermes	Portland Harbor FOIA Request Tracker



Team Workspace Provides Key Information to Reviewers

PFOA Library

 New  Upload  Share

✓  Name Document Date Notes

▷ **Description : (1)**

▷ **Description : Congressional Material (3)**

▷ **Description : Document Collection/Processing Guidance (4)**

▷ **Description : FOIA Response Repositories (2)**

▷ **Description : Media Coverage (5)**



Team Workspace includes a Status Dashboard

PFOA Congressional Inquiry and FOIA Request Status Tracker

<input type="checkbox"/> Status	FOIA ID	Requester	Request Date	Description	POC	Date Range	eDiscovery Request ID	Notes
1. Active	EPA-HQ-2016-010308	FlouroCouncil/American Chemstry Council/Michele Schoeppe	9/20/2016	a.)Records re Drinking Water Health Advisory for Perfluorooctanoic Acid , aka PFOA and PFOS issued May 2016. b.)Records re EPA's preparation , review, discussion, vetting or recommendation re concentrations of PFOA and PFOS compared with Health Advisory level .	Health and Ecological Criteria Division			10/14/16: Teleconference: Requester initially agreed 11/17/14 - 5/26/16. To be confirmed by letter. 9/28/16: Clarification and/or modification sought from
2. Active: Processing	EPA-R8-2016-009925	Robert S, Gardner, Law Office	9/1/2016	EPA communications with Colorado Dept.of Public Health & Environment re perfluorinated compounds, PFC's, PFOA, PFOS, PFHpa, unregulated drinking water contaminants, 1/1/16 - 6/1/16.	Adrienne Rivera	1/1/2016 - 6/1/ 2016	ED_000984	9/17/16: Denise spoke to Alan , R8 narrowed request OEI.
3. Active: Processing Research Records	CMS AL 16 000 9922	Congressional Members Chaffetz and Lummis	07/6/2016	All records from EPA re PFOA in Hoosick Falls, NY from 5/1/14 - 7/6/16.	Kyle Aarons	5/1/14 - 7/6/16	ED_000915	9/29/19: Relativity workspace is available. 8/29/16; Per OEI, ED_000915/ED_000843 is 4th in the 8/4/16; initial response sent, providing links to public



Accountability

- Accountability for FOIA remains with lead office
- Accountability for FEAT:
 - FEAT Office staff accountable to SL Director for management of their cases
 - Director accountable to Principal Deputy General Counsel



Accomplishments

- In FY16 FEAT involved in ~280 FOIA requests
- Case management was provided on 14 topic areas
- Additionally, FEAT
 - Coordinated all EPA consultation requests to and from White House
 - Reviewed all FOIAs received by the Agency on a weekly basis; notified senior executives of requests of potential interest
 - Provided process improvement recommendations/advice to FOIA program



Success Stories: CWA § 316(b)

- Complex request from entity suing the agency over a CWA rulemaking
 - FEAT's first start-to-finish FOIA
 - EPA maintained close communication with requester
 - FEAT led coordination of similar requests received by 8 other federal agencies
 - No FOIA litigation against EPA
 - Requester did file administrative appeal with EPA limited to the withholding of specific documents
 - 24 months from start-to-finish



Success Stories: VW

- Over 50 requests on VW emissions violations issues; requests from within and outside U.S.
 - Extensive up-front narrowing of requests and efforts to harmonize requests
 - Required extremely close coordination with EPA enforcement offices, DOJ, and the California Air Resources Board due to on-going enforcement investigations
 - On track for final close-out of all requests by end of February
 - Anticipate close-out of all requests within 16 months of FEAT involvement in the project



Success Stories: Flint

- 43 requests on Flint water crisis
 - Review database consists of ~97,000 documents
 - First Level Document Review Kick-Off held in Chicago office
 - Concentrated training and document review resulted in completion of first level review of nearly 9000 documents in one week
 - All Flint FOIA responses coordinated with Congressional productions
 - 28 Flint requests closed; On track to close-out of remaining 15 requests by March 2017
 - Anticipate close-out of all requests within 13 months of FEAT involvement in the project



Success Stories: Gold King Mine

- 48 requests on GKM release of over 3M gallons of contaminated water to Animas River during EPA investigation of abandoned mine site
 - Concentrated effort of proactive posting of GKM-related documents to publicly-available website commencing within days of the event
 - Review database consists of over 200,000 documents
 - First Level Document Review Kick-Off in Denver
 - 20 first level reviewers from 3 regional offices and 3 HQ offices
 - Completed first level review of nearly 15,000 documents in one week
 - All documents have been produced; in process of administratively closing out requests
 - All documents produced within 17 months of FEAT involvement in the project



Challenges

- Technology
- Limited staff size
- Resisting “mission drift”
- Ensuring close collaboration with EPA OGC attorneys responsible for counseling on all “non-FEAT” FOIAs – GLO/ILPG



FEAT Keys to Success

- Excellent staff with right skill set
- Communication with requester(s) early and often
- Close working relationships with lead program office/IT staff/ILPG
- First Level Review Kick-Off Events
- Buy-in to FEAT process at senior executive level of EPA



Questions?

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